

**Plaintiff's Response in
Opposition to Defendants'
Emergency Motion to Inspect
Property of Plaintiff:**

Exhibit D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KONNECH, INC., . 4:22-CV-03096
 . HOUSTON, TEXAS
 PLAINTIFF, . OCTOBER 6, 2022
VS. . 1:59 P.M.
 .
TRUE THE VOTE, INC., .
 .
GREGG PHILLIPS AND .
 .
CATHERINE ENGELBRECHT, .
 .
DEFENDANTS. .
.....

TRANSCRIPT OF PRELIMINARY INJUNCTION HEARING
BEFORE THE HONORABLE KENNETH M. HOYT
UNITED STATES DISTRICT JUDGE

APPEARANCES

FOR THE PLAINTIFF:

Constantine Z. Pamphilis
Nathan Richardson
KASOWITZ BENSON TORRES LLP
Wedge International Tower
1415 Louisiana
Suite 2100
Houston, Texas 77002

FOR THE DEFENDANTS:

Brock C. Akers
J. Mark Brewer
THE AKERS FIRM
3401 Allen Parkway
Suite 101
Houston, Texas 77019

1 to indicate that there was any investigation?

2 MR. AKERS: I do not know this individual. I do not
3 represent this individual.

4 THE COURT: Which individual are you talking about?

5 MR. AKERS: The individual who actually has the data
6 who then turned it over to the FBI.

7 THE COURT: No. But, I mean -- when Phillips claimed
8 that he turned it over to the FBI, he had to have possession of
9 it at the time in order to turn it over?

10 MR. AKERS: Actually, yes. It was kind of a
11 combination of the two of them getting together and, Here it
12 is.

13 THE COURT: Well, I don't know what they did, and I
14 don't think you know either, but you know Phillips was involved
15 in the turning over?

16 MR. AKERS: Yes.

17 THE COURT: All right. So here's my question that I'm
18 trying to get answered, and that is this: What evidence do you
19 have or what reason do you believe that Mr. Phillips verified
20 that any of this data was coming from China?

21 MR. AKERS: On the basis of what -- what Mr. Phillips
22 himself saw.

23 THE COURT: What he told you he saw. Have you seen
24 it?

25 MR. AKERS: No.

1 data we're talking about, nowhere is it said to be Konnech.
2 They are only allegations.

3 THE COURT: Let me ask you this: How could your
4 client turn anything over to the FBI that he and she did not
5 have? And I'm not asking you to answer that. I'm posing that
6 as a question. Where your client is going to claim that
7 something has been turned over to the FBI and said, I don't
8 have it, is it because he turned it over to the FBI? Then who
9 in the FBI has it? I need to know, and I need to know whether
10 or not it is this national security issue. I need to know
11 whether or not the Department of Justice is involved in this in
12 some way. They have got thousands of lawyers all over this
13 country. Surely somebody could have contacted the Court by
14 now.

15 So I don't think the answer is, Well, there is
16 something wrong with their pleadings. I think the answer is,
17 We are not having a hearing because his client has been
18 arrested by people who are intent on flipping the script. He
19 has rights to the documentation. That's undisputed. He has
20 rights to the data that he had. And the allegation that the
21 data was somehow sent to China, that's not in his pleadings.
22 His pleadings are, We sent different data. So there is no
23 allegation in his pleading that he sent the data that he
24 received from clerks and county officials or whoever in the
25 United States.

1 and call him, and I'm going to sit right here until I know it's
2 done.

3 MR. AKERS: I have the name.

4 THE COURT: I'm sorry?

5 MR. AKERS: I said I have the name.

6 THE COURT: Well, then deliver it.

7 MR. AKERS: I need to look it up.

8 THE COURT: And if there are any other names --

9 *(Simultaneous crosstalk)*

10 THE COURT: Let me just finish. If there are any
11 other names associated with this Dallas group, those names are
12 to be turned over. And I understand that I'm hearing you say
13 there is only one name that you have.

14 *(Mr. Akers hands Mr. Pamphilis a piece of paper)*

15 MR. AKERS: For the record, I just handed him the
16 name.

17 THE COURT: All right.

18 MR. PAMPHILIS: Your Honor, I would prefer that the
19 name be read by him into the record so that there is no dispute
20 about the name that I was given.

21 THE COURT: I don't think I have my copy here.

22 MR. AKERS: I have mine electronically.

23 THE COURT: Say what?

24 MR. AKERS: I have a copy of my letter electronically.

25 THE COURT: You need to read it for the record then.

1 submitted.

2 THE COURT: All right. I will not stand in the way of
3 lawyers filing responses or replies. He's filing a response.
4 You would be filing a reply to the response, and I'm saying
5 that I will not delay considering this matter waiting on a
6 reply. If you want to file it, that's fine.

7 MR. AKERS: Understood.

8 THE COURT: Thank you, gentlemen.

9 MR. PAMPHILIS: Thank you, Your Honor.

10 *(Court adjourned at 3:10 PM)*

11 * * * *

12 I certify that the foregoing is a correct transcript from
13 the record of proceedings in the above-entitled cause.

14
15 Date: October 8, 2022

16 */s/ Mayra Malone*

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18 Mayra Malone, CSR, RMR, CRR
19 Official Court Reporter
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